

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**JOINT MOTION FOR SECOND
MODIFICATION OF
SCHEDULING ORDER**

COME NOW Plaintiff, Jason Williams, and Defendant, AT&T Mobility LLC, jointly and through their undersigned counsel, and respectfully move this Court to extend certain deadlines under the Court's May 15, 2020 Scheduling Order [Dkt. 42], as modified by the Court's November 11, 2020 order granting the parties' first joint motion for extension [Dkt. 55.] As detailed below and in the Proposed Order submitted herewith, counsel have conferred regarding the outstanding discovery needed by both parties and agreed upon a proposed modified schedule that will afford sufficient time to complete those tasks and the remaining items under the Scheduling Order.

No trial date has been set in this matter and the deadline to finish discovery is currently June 18, 2021 [Dkt. 55.] The parties request this extension in good faith so that they may continue their progress and cooperation, and avoid any need to burden the Court with future requests for intervention or extensions. In further support of this motion, the parties respectfully show the Court as follows:

1. On November 25, 2020, the parties moved for the first extension of the scheduling order deadlines [Dkt. 54] to afford them time to complete discovery and related tasks, such as the submission of expert reports, that were dependent on the completion of some or all of the outstanding discovery items. The Court granted

that motion on November 30, 2020 [Dkt. 55.]

2. Thereafter, the parties worked to finish discovery while also holding several meet and confer conferences to work through their disagreements.

3. The parties succeeded in resolving some of their disagreements, but were unable to reach a compromise on all issues, resulting in motions to compel filed on February 12 and March 15, 2021 [Dkts. 56 & 61.]

4. The Court's April 1 and April 13 orders on both motions [Dkts. 68 & 70] required each party to undertake additional discovery tasks. Both parties have worked diligently to comply with those orders and discharge their outstanding discovery obligations.

5. As required by both of the Court's aforementioned orders, on April 23, 2021, counsel for the parties met and conferred regarding the timing and scope of their remaining discovery obligations. The parties also discussed the information needed for completion of their respective expert reports, and reached an agreement on the timing of mediation, discovery completion, and dispositive motions.

6. The parties have worked cooperatively and productively, and believe the schedule modifications they seek will allow them to timely discharge their remaining obligations and adequately prepare for the remaining key deadlines in this case.

7. Accordingly, the parties jointly request the Scheduling Order be amended to reflect the following deadlines:

- June 15, 2021: Plaintiff's deadline to amend pleadings or join parties
- June 30, 2021: Plaintiff's expert disclosures due
- July 15, 2021: Defendant's deadline to amend pleadings or join parties

- July 30, 2021: Defendant's expert disclosures due
- August 17, 2021: Rebuttal expert disclosures due
- June 18, 2021: Deadline to mediate pursuant to the Court's June 12, 2020 Order Appointing Mediator [Dkt. 46]
- September 17, 2021: All discovery shall be initiated in time to be completed by this date
- November 1, 2021: Deadline to file any dispositive motion
- November 22, 2021: Deadline to file opposition to any dispositive motion
- December 13, 2021: Deadline to file any reply in support of a dispositive motion

8. Good cause exists for this extension pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 6.1, and the extension is not requested for an improper purpose or to delay adjudication of the case.

9. This case has not yet been set for trial.

10. A proposed order is submitted with this motion reflecting the above continued dates.

WHEREFORE, the Plaintiff, Jason Williams, and Defendant, AT&T Mobility LLC, respectfully pray that this Court grant their motion and order that the scheduling order deadlines be continued as set forth above.

Respectfully submitted this 5th day of May, 2021.

For Plaintiff:



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CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 5th day of May, 2021.

/s/ Joseph Dowdy
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